

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

TAMMY KESTLER

FILED ENTERED  
LODGED RECEIVED

Plaintiff,

OCT 03 2011

V.

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND DEPUTY

CIVIL ACTION NO.

BY

**RDB11 CV 2825**

NCO FINANCIAL SYSTEMS, INC.

Defendant.

SEPTEMBER 29, 2011

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ("MCDCA"); and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.
2. The Court's jurisdiction is conferred by 15 U.S.C.1692k and 28 U.S.C. 1331 and 1367.
3. Plaintiff is a natural person who resides in Linthicum, MD.
4. Defendant is a licensed collection agency and has a place of business as 507 Prudential Road, Horsham, PA 19044.
5. Plaintiff is a consumer within the FDCPA.
6. Defendant is a debt collector within the FDCPA.
7. Defendant is a collector within the MCDCA.

8. Defendant communicated with Plaintiff or others on or after one year before the date of this action, in connection with collection efforts with regard to Plaintiff's disputed personal debt

9. The Defendant reported a debt to the Plaintiff credit report.

10. The Defendant sent a collection letter to the Plaintiff attempting to collect a debt.

11. The Plaintiff contacted the Defendant via telephone in an attempt to dispute a debt alleged by Defendant to be owed by Plaintiff.

12. The Defendant advised Plaintiff that in order for NCO to report her dispute they would first have to contact their client in order to determine if her dispute was valid or invalid, if the creditor concluded the Plaintiff's dispute was valid they would report the debt to the credit bureaus.

13. The Defendant's collection agent statement is false, deceptive and misleading and in violation of §1692e and §1692f.

14. Defendant through their collection agent stated an invalid procedure as the FDCPA does not have any criteria in place to determine a valid or invalid dispute. This statement was false, deceptive and misleading and in violation of the FDCPA §1692g.

15. The Defendant does not have a proper procedure in place to avoid this type of error.

16. In the collection efforts, the Defendant violated the FDCPA; inter alia, section 1692e, f and g.

SECOND COUNT:

17. The allegations of the First Count are repeated and realleged as if fully set forth herein.

18. Within three years prior to the date of this action Defendant has engaged in acts and practices as to Plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act § 14-204 et seq. ("MCDCA").

19. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

WHEREFORE Plaintiff respectfully requests this Court to:

1. Award Plaintiff statutory damages pursuant to the FDCPA on Count I.
2. Award Plaintiff statutory damages pursuant to the MCDCA on Count II.
3. Award such other and further relief as this Court may see fit.

THE PLAINTIFF

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